

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

Energy Heating, LLC, an Idaho  
limited liability company, and Rocky  
Mountain Oilfield Services, LLC, an  
Idaho limited liability company,

Plaintiffs,

vs.

Heat On-The-Fly, LLC, a Louisiana  
limited liability company, and Super  
Heaters North Dakota, LLC, a Texas  
limited liability company,

Defendants,

and

Heat On-The-Fly, LLC, a Louisiana  
limited liability company,

Third-Party Plaintiff,

vs.

Marathon Oil Corporation,

Third-Party Defendant.

**ORDER**

Case No. 4:13-cv-010

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The court held a conference with the parties by telephone on September 10, 2013. Pursuant to the parties' discussions, all pretrial scheduling and discovery deadlines with the exception of the briefing deadlines pertaining to plaintiff's combined Motion to Dismiss and Motion for Summary Judgment shall be suspended pending further order of the court. The court shall conduct a status conference with the parties by telephone on October 8, 2013, at 12:00 p.m. CDT to discuss revisions

to the court's scheduling and discovery order. Anyone wanting to participate in the conference should call the following telephone number and enter the following access code:

Telephone # - (877)-848-7030  
Access Code - 9768929

The parties are directed to submit a proposed revised scheduling/discovery plan at least two days prior to the status conference to undersigned at [ndd\\_J-Miller@ndd.uscourts.gov](mailto:ndd_J-Miller@ndd.uscourts.gov). The Markman hearing tentatively scheduled to commence on January 14, 2014, before Judge Hovland is cancelled with the understanding that it shall be rescheduled as necessary at a date and time to be determined.

**IT IS SO ORDERED.**

Dated this 10th day of September, 2013.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court